

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9011 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

PATEL MAHENDRAKUMAR RAMDAS

Versus

STATE OF GUJARAT

Appearance:

MR KANUBHAI I PATEL for Petitioners

MR VB GHARANIA for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/05/1999

ORAL JUDGEMENT

1. Heard the learned counsel for the parties,
perused the special civil application and reply to the
same filed by the respondent No.2.

2. From the resolutions which have been passed from
time to time and the fact that earlier the petitioners
were getting the bonus, I am satisfied that the denial of
bonus to them is wholly erroneous. If we go by any of
resolutions, I find that teaching and non-teaching
employees of grant-in-aid institutions are entitled for

bonus. The petitioners are the teachers in the District Training School which are receiving grant-in-aid and as such they are certainly entitled for bonus. Otherwise also, in case the plea of the respondents is accepted then it will amount to hostile discrimination. All other employees of teaching and non-teaching staff of various Universities, Colleges affiliated to Universities, Primary and Higher Secondary Schools, work-charged employees, employees of the State Social Welfare Advisory Board and other employees are getting the bonus and the petitioners have been left out. Moreover, the petitioners were getting bonus earlier but later in point of time, it was discontinued. Discontinuation of bonus to the petitioners is certainly arbitrary and in case the plea of the respondents is accepted then they may be discriminated in the matter of payment of bonus.

3. Learned counsel for the respondents is unable to satisfy to this court how the case of the petitioners is not covered under resolutions as well as in case what they have contended is accepted how it will not amount to making discrimination.

4. In the result, this special civil application succeeds and the same is allowed and it is hereby declared that the petitioners are entitled for the bonus as per the resolution dated 12th October, 1998. The respondents are directed to calculate the amount of bonus payable to the petitioners within a period of two months from the date of receipt of writ of this order and pay the same within 15 days next. Rule is made absolute in the aforesaid terms with no order as to costs.
